

REMARKS

Applicant acknowledges the Examiner's receipt of Applicant's election of Group I, Claims 1, 2, 4 and 5 filed on August 14, 2006.

The Examiner has further required the Applicant to expressly identify an elected species and identify the claims readable on the elected invention, as set forth in the Office Action dated June 29, 2006. Currently, claims 4 and 5 are pending in the application.

Breakdown of Claims

As Applicant understands the requirement of the Office Action dated September 13, 2006, the available species are:

- A. Lactobacillus genus
- B. Bifidobacterium genus
- C. Clostridium butyricum

Applicant elects to expressly identify species B, Bifidobacterium genus, as the elected lactic acid bacteria. Applicant believes that the removal of Lactobacillus genus and Clostridium butyricum is fully responsive to the Office Action dated September 13, 2006.

SUMMARY

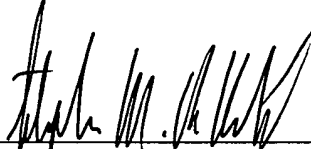
Applicant believes that the above remarks are fully responsive to the Office Action dated September 13, 2006. If the Examiner has any questions, Applicant respectfully requests that the Examiner contact the undersigned by telephone at (408) 720-8300.

DEPOSIT ACCOUNT AUTHORIZATION

Please charge any shortages and credit any overages to Deposit Account No. 02-2666.

Respectfully submitted,

BLAKELY, SOKOLOFF, TAYLOR & ZAFMAN LLP



Date: October 13, 2006

Stephen M. De Klerk
Reg. No. 46,503

12400 Wilshire Boulevard
Seventh Floor
Los Angeles, California 90025-1026
(408) 720-8300